

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James David Circello,

Civil No. 06-4 (PJS/FLN)

Petitioner,

v.

**ORDER ADOPTING THE
REPORT AND RECOMMENDATION**

Warden R. L. Morrison,

Respondent.

James David Circello, *Pro Se*, Petitioner.

James E. Lackner, First Assistant United States Attorney, and David P. Steinkamp, Assistant United States Attorney, United States Attorney's Office, counsel for Respondent.

Based upon the Findings and Recommendation of United States Magistrate Judge Franklin L. Noel, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. Petitioner James David Circello's Petition for a Writ of Habeas Corpus (Doc. No. 1) is **GRANTED**, in part, and **DENIED**, in part, as follows:

a. To the extent Petitioner seeks an order that the Bureau of Prisons reconsider the length of time Petitioner should be assigned to an RRC, pursuant to the factors set forth in 18 U.S.C. § 3621(b), the Petition is **GRANTED**.

b. To the extent that Petitioner seeks an immediate assignment to an RRC, the Petition is **DENIED**.

Dated: June 19, 2006

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
Judge of United States District Court